



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: April 26, 2004 **REPORT NO.** 04-086

ATTENTION: Public Safety and Neighborhood Services Committee
Agenda of April 28, 2004

SUBJECT: Beach Ordinances

REFERENCE:

SUMMARY:

Issue: Proposal to amend Municipal Code section 63.20.5 to set curfew for fire ring use at beaches and parks and to prohibit the use of household furniture and barriers at designated areas (beach areas).

Manager's Recommendation: Adopt proposed amendment.

Other Recommendations: None

Fiscal Impact: None

INTRODUCTION

The beach communities of Mission and Pacific Beach present unique policing challenges. Chronic problems occur every season. These problems have become more pronounced each year. The increased population and shrinking resources compound these problems and affect the quality of life for residents, while increasing the opportunities for crime to occur.

In order to address this constant drain on resources, Northern Division of the San Diego Police Department was directed to establish the Beach Problem Solving project. This project was charged with research, analysis, planning and recommendations to elevate chronic community complaints and increase officer effectiveness. Citizens, Community groups, and officers were presented with this idea. These groups provided input and direction for the project. The project recommended several legislative remedies to

chronic problems citizens and officers face. Several of which are presented to the Public Safety and Neighborhood Services committee. The focus of all legislative recommendations is to address certain acts, which, if curtailed, would prevent crime and violence and permit quick and easy access to beach areas by Medical, Fire, Police, and Lifeguard personnel.

The legislative recommendations include: (1) a fire ring use curfew between the hours of 12:00 a.m. and 6:00 a.m.; (2) prohibiting household furniture on the beach; (3) and prohibiting the erection of barriers and/or structures at the beach that are used to cordon off areas. These recommendations will serve several purposes, including: ensuring that Police, Fire, Paramedic, and Lifeguard personnel are able to have quick ingress and egress to the beach areas by limiting obstacles such as household furniture and other barriers; ensuring that confrontations are reduced; and limiting an attractive nuisance (late night fire ring use) where persons gather to violate the law. Below is a discussion regarding the need for the proposed ordinances.

REVIEW OF ORDINANCES

FIRE RING CURFEW:

Fire rings on the beach and bay parklands are installed and maintained by the City for public use. Current law regulates what can be burned within these rings [SDMC § 63.20.5 (c)]. Fire rings, used in the late night hours, are magnets for illegal activities.

Officers policing the areas have noticed that illegal and disorderly behavior is centered around fire rings at late night hours. The problems around fire rings are such a certainty that officers patrolling late at night use the fires as a guide to activity. They know that if they see a large fire there will almost certainly be numerous misdemeanor violations being committed by those citizens using the ring.

Experience has also shown that if the officers are unable to police late night use of fire rings that violence is likely to occur. The worst example of this is a homicide that took place at one of the fire rings. Based on officer observation and experience those citizens that use fire rings late at night seem to have a higher propensity for criminal activity. This would include use by gang members, minors in violation of curfew, and those consuming alcoholic beverages in violation of existing law.

This proposed ordinance seeks to remedy the current problems by placing a curfew on the use of fire rings. This curfew will not affect most citizens' use of these fire rings. This curfew will only affect late night users. Late night use has shown to be when violence and disorder is most likely to occur. The ordinance will prevent violence and disorder by giving officers a tool to control late night activity. The ordinance will not prevent or inhibit the use of the parks, bay or beaches. It will only control late night use of the City maintained and supplied fire rings. Law abiding citizens and families will continue to be able to enjoy fire rings up until midnight.

HOUSEHOLD FURNITURE PROHIBITION

Household Furniture on the beach, bays and parks is a chronic problem. Furniture on the beach, bays and parks causes and/or contributes to the following problems:

- Household Furniture causes a hazard to other beach, bay and park users.
- Household Furniture on beaches, bays, and parks interfere with emergency response by Medics, Lifeguards, and Police.
- Large rowdy crowds gather around pieces of household furniture.
- The items are left behind causing large litter problems and require the use of City crews to remove them from beach and park areas.
- Burning of furniture left behind. Fire Department resources are required to put out the fire. Police resources are required to control (vehicular and pedestrian) traffic associated with the fire.
- Household Furniture on beaches, bays, and parks is unsightly.

The proposed ordinance seeks to ban household furniture on the beach, bays, and parks. The type of household furniture includes: couches, recliners, dining and coffee tables, refrigerators and freezers. The proposed ordinance does not ban furniture intended for outdoor use, such as lawn chairs, camping tables, shade tents, etc. Such furniture is typically made of materials that are lightweight, easily moveable, and provide less fabric to burn.

By prohibiting the use of household furniture at beaches and parks, public health, safety, and welfare is protected.

BARRIER PROHIBITION:

Beaches and parks are intended for the use of all members of the public. However, some members of the public, by erecting and maintaining barriers, interfere with the use of the beaches and parks by others. The types of barriers commonly used include ropes, cords, barrier tapes, tents, and other similar devices. The barriers are commonly used to stake out or cordon off a location so that only one person or group can use a particular area. These barriers cause many problems including:

- Creates a hazard by obstructing view of areas by emergency personnel.
- Creates a hazard by blocking access for emergency personnel.
- Limiting beach and park access.
- Prevents other citizens from free use of a blocked or marked off area.
- Contributes to attract large gatherings and rowdy behavior.
- Increases beach and park litter.
- Creates hazard to other citizens who may trip or strike these structures.
- Contributes to an uncomfortable environment and a sense of unwelcomeness by blocking off areas for the exclusive use of a few citizens.
- Increases the likelihood of violence by creating confrontations between citizens over the public use of beach and park recreational areas.

The beaches and parks are intended to be a comfortable, welcome, and enjoyable environment. Structures and blocking off of areas defeat the purpose of having and maintaining public access parks and beaches. This ordinance exempts permitted special events, the use of barriers for the purpose of protecting the public from hazards and construction sites, and barriers erected by government entities in the furtherance of public safety.

SUMMARY

The proposed ordinances are intended to protect the public health, safety, and welfare of all citizens visiting our recreational areas. In addition, they will serve to reduce the negative impact on valuable public safety resources. As a result, it is recommended that the Public Safety and Neighborhood Services Committee support the proposed ordinances before the City Council.

Approved: P. Lamont Ewell
City Manager

Submitted By: William M. Lansdowne
Chief of Police